REPORT OF THE SENATE COMMITTEE

On Foreign Relations on the special message of the President in relation to the capture of William Walker and his followers, on the coast of Nicaragua, by Flag-Officer Paulding, presented and read by Mr. Mason, of Virrman, in the Senate, January 25, 1858.

The Committee on Foreign Relations, to whom was re-ferred the message of the President of the United States, dated the 7th of January instant, in answer to the reso-lution of the Senate calling for the "correspondence, in-structions, and orders to the United States naval forces on the coast of Central America, connected with the ar-rest of Walker and his associates, at or near the port of San Juan de Nicaragua," have had the same, with the documents accompanying, under consideration, and now

report:

It appears from these documents that the President of the United States, having reason to believe that lawless men were engaged at certain points in the United States in fitting out military expeditions against some of the republics of Central America, in violation of the laws of the country, caused the annexed circular to the civil authorities of the United States at the suspected points, to be issued by the Secretary of State in the month of September last.

Siz: I am directed by the President to transmit to you, for your guidance, the accompanying circular, which his caused to be issued from the State Department to various civil officers. You will regard the instructions contained in it as addressed to

urself.

I am. respectfully, your obedient servant,

DIAAC TOUCEY.

Com. FREDK. CHATARD, Commanding U. S. sloop Surstoga, Aspinwall, N. G.

(A similar letter to the above was addressed to Communiter Thatche commanding the United States sloop Decatur, Panama, N. G., and the commandants of the navy yards at Portsmouth, N. H., New Yorkston, Philadelphia, Norfolk, Pensacola, and San Francisco.]

Boston, Philadelphia, Norfolk, Pensacola, and San Francisco.]

Discartest of State.

Washington, September 18, 1857.

Six: From information received at this department, there is reason to believe that lawless persons are now engaged within the limits of the United States in seiting on foot and preparing the means for military expeditions to be carried on against the territories of Mexico, Nicaragua, and Costa Rica—republies with whom the United States are at peace—in direct violation of the sight section of the act of Congress approved 20th April, 1818. And, under the eighth section of the said act, it is made lawful for the President, or such person as he shall empower, to employ the land and naval forces of the United States, and the militis thereof, "for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or puri-diction of the United States," I am, therefore, directed by the President to call your attention to the subject, and to urge you to use all due diligence to avail yourself of all legitimate means at your command to enforce those and all other previsions of the said act of 20th April, 1818, against those who may be finual to be engaged in setting on foot or preparing unitiary expeditions against the fortifories of Mexico, Costa Rica, and Nicarguia, so manifectly projedical to the national character and so injurious to the national interest. And you are also hereby instructed promptly to communicate to this department the carliest information you may receive relative to such expeditions.

LEWIS CASS.

Which circular was afterwards communicated, as in-

Which circular was afterwards communicated, as in-structions, to the officers commanding naval stations in the United States, and to Commander Chatard, command-ing the United States ship Saratoga, at Aspinwall, New

Granada.

Afterwards, on the 3d of October, 1857, the same circular was communicated by the Secretary of the Navy to Flag-officer H. Paulding, commanding the home squadron, then also at Aspinwall.

Subsequently, Lieut. Almy, commanding the United States steamer Fulten, then lying at Washington, being ordered to proceed, with the steamer under his command, to the coast of Central America, with a view to intercept any such unlawful military expedition, in addition to the circular above cited from the State Department, was further instructed as follows:

further instructed as follows:

Navy Dicarright, Oct. 12, 1857.

Sin: In reply to your letter of the 7th instant, it is true that American citizens have a right to travel and go to where they please, when engaged in lawful pursuit, but not to violate the have of their own or of any other country. They have a cight to expatrate and to become citizens of any country which is willing to receive them, but not to make that right a mere clouk and cover for a warlike expedition against it or its government. Your instructions do not authorize you to act arbitrarily or upon more suspicion. You will not seize an American vessel, or bring her into port, or use the force under your command to prevent her landing her passengers upon more suspicion. You will be careful not to interfere with lawful commerce. But where you find that an American vessel is manifestly cagaged in carrying on an expedition or enterprise from the territories or jurisdiction of the United States against the territories of Mexico, Nicaragua, or Cesta Rica, contrary to the 6th section of the act of Congress of April 20, 1818, already referred to, you will use the force under your command to prevent it, and will not permit the men or arms engaged in it, or destined for it, to be landed in any port of Mexico or Central America.

I am, respectfully, your obedient servant,
ESAAC TOUCEY.

Lieut. John J. Almy,
Commanding U. S. Steamer Fulton, Washington, D. C.

It does not clearly appear whether the supplemental instructions of October the 12th to Lieut. Almy were communicated by him to Captain Paulding and Commander Chatard or not, but inasmuch as he reported to Captain Paulding as early as the 10th day of November, on his way to Chiriqui in Costa Rica, it may be presumed they were And again, on the 16th of November, 1857, Captain

And again, on the 16th of November, 1857, Captain Sands, commanding the United States steam-frigate Susquehanna at Key West, was ordered to proceed immediately with that frigate to San Juan de Nicaragua, stopping at intermediate points on the coast, and to remain there unit further orders; and for his guidance in reference to unlawful military expeditions, a copy of the same circular from the State Department was communicated to him.

him.

Such being the measures adopted by the President to prevent the departure of any unlawful military expedition from the United States, or to intercept them should they escape from our shores, it further appears that on the 25th of November last William Walker, formerly (if not then) a citizen of the United States, with about one hundred and fifty-five armed followers, entered the harbor of San Juan de Nicaragua, on board a steamer called the "Fashion," and immediately landed with his called the "Fashion," and immediately landed with his men on a point of land forming the northern and castern boundary of said harbor, called "Punta Arenas," a short distance from the town of San Juan, which is on the opposite side of the harbor. Point Arenas your com-mittee understand to be a part of the territory of the republic of Nicaragua, in Central America.

The manner of, and circumstances attending the lan!

The manner of, and circumstances attending the landing, are detailed in the official report thereof, made by Commander Chatard to Captain Paulding, as follows: United States Sair Sanatoga, San Juan del Norte, Nov. 27, 1857.

Size: I have the honor to morm you that on the 24th instant, about 2, p. m., a steamer appeared off the harbor, and then stood off to the eastward down the coast. She came into the harbor next morning about 7 o'clock. Her conduct of the day before made me suspect her, but my suspicions were entirely julied when she was standing into the harbor not more than fifteen or twenty men appeared on her deck. I expected her to anchor, but instead of that, with a full head of stoam, she ran right up for the wharf of Scoti's buildings. I, as well as the first lieutenant, thought it was a party sont to open the transit route. I immediately sent a beat with a fluctionant to board her and to see what she was, and to examine her papers. When he returned, he informed me that it was the steamer Fashion, from Mobile—papers all right proper clearance, cargo, dee, and a number of passengers marked on the bills. The passengers proved to be Waker, with 150 men, who all landed fifty men or more at the mouth of the Colorado, before he came here; they went up in boats to surprise Gastillo, and to try and take possession of the sisamboats there.

If further appears from the documents that when the

came here; they want up in boats to surprise Gastillo, and to try and hake possession of the siamboats there.

It further appears from the documents that when the "Fashion" arrived off San Juan, where the United States ship Sanstoga was then lying, the steamer, as reported by Commander Chatard, without entering the harbor, proceeded down the coast, and did not return until the next day. It afterwards became known that the "Fashion" continued on her course to the mouth of the river "Colorado," (the southern outlet of the San Juan into the sea,) and there detached about fifty men and officers well armed in boats, who proceeded up that branch of the San Juan. Upon their debarkation the Fashion returned, as stated, to the harbor of San Juan, and landed the residue of the force on board of her, with various provisions, stores, and

to the harbor of San Juan, and induced the residue of the force on board of her, with various provisions, stores, and munitions of war, at Punta Arenas.

Information of these proceedings being communicated to Captain Paulding, on board the United States ship Wabash, then lying at Aspinwall, in New Granada, that officer at once proceeded with his ship to San Juan, where he arrived on the 6th of December. He found Walker with his party in camp at the place where he leaded with his party in camp at the place where he landed. Having displayed a large naval and military force ready for action, and sufficient to overcome any resistance that could be offered. Walker and those with him gave up their arms and surrendered to Captain Paulding on the 8th of December.

8th of December.

It is just to this officer that the reasons assigned by him for his conduct in this regard, and his views of the circumstances attending it, should be stated in his own language by the following extracts from his official reports to the Navy Department:

[Extract.]

Sig : I arrived here on the 6th instant, and on the 5th, with a force rom the squadron that could not be remated by Gen. Walker, demand-

Sin . I arrived mere and the condition of the resisted by Gen. Walker, demanded the surrender of his arms and the embarkation of himself and followers from Point Arons.

The officers and then of his organization, together with such stores as a could be received, are on board the "Saratora," and she will sail this evening or to-morrow morning for Norfolk. I shall direct Capt. Chatard to report to the department for inctructions.

In the course I have pursued I have acted from my judgment, and trust it may meet the approbation of the President.

tary of the Navy, dated Fing Ship Wabash, off Aspinwall, December 15, 1857:

I could not regard Walker and his followers in any other light than as outlaws who had secaped from the vigitance of the officers of the government, and left our shores for the purpose of repine and murder, and I saw no other way to vindicate the hav and redeem the bonor of our country than by disarming and sending them home.

In coing so I am sensible of the responsibility that I have incurred, and conditionally isok to the government for my justification.

Regarded in its true light, the case appears to me a clear one; the points few and strong.

Walker came to Point Arenas from the United States, having, in violation of law, set on foot a military organization to make war upon a people with whom we are at peace. He landed there with armes men and manutions of war, in defiance of the guns of a ship-of war placed there to prevent his landing.

With nothing to show that he acted by authority, he formed a camp, bointed the Nicaragona flag, called it the "Headquarters of the army of Nicaragona," and signed himself the commander u-chief.

With this proteusion, he claimed the right of a lawful general over all persons and things within sigh of his flag. Without right or authority he landed fifty men at the mouth of the river Colorado, astrod the fort of Castillo, on the San Juan, captured steamers and the goods of merchants in transit to the interior, killed men, and middle prisoners of the peaceful inhabitants, sending to the harbor of San Juan de Morte some thirty or forty men, woman, and children, in the steamer "Morgan."

In doing these things without the show of authority, they were

Juan del Norte some thirty or forty men, women, and children, in the steamer "Morgan.

In doing these things without the show of authority, they were guilty of rapine and nurder, and must be regarded as outlaws and pirates. They can have so claim to be regarded in any other light. Homenity, as well as lew and justice and national honor, demanded the disposition of these lawless men.

The remnant of the miserable beings who surrondered at Rivas were conveyed in this ship last summer to New York, and their sufferings are yet fresh in the memory of all on board.

Besides the sufferings that would necessarily be inflicted upon an important and unoffending people, these lawless followers of General Walker, misguided and deceived into a career of crime, would doubt less have porished in Central America, or their mutilated and festering bodies have been brought back to their friends at the expense of their country.

country.

For the above reasons, which appear to my mind quite sufficient, I
Frey disarmed and sent to the United States Gen. William Walker and his
government in its windom may think proper to pursue.

The provisions, stores, and munitions found in Walker's camp and on the point, claimed as belonging to his party, were afterwards conveyed on board the United States ships. They consisted of provisions and stores of various kinds, and in large quantities, with arms and ammunition and other military equipment, in amount apparently suited to the number of his men and for a military incursion.

other minutary equipment, in amount apparently since to the number of his men and for a military incursion.

After the arrest, Walker was allowed, at his request, to find his own way to the United States on his parol that he would deliver himself up, with a note from Captain Paulding, to the marshal of the United States at New York. This was done. The marshal conducted him to York. This was done. The marsal conducted him to Washington, where the Secretary of State declined to interfere, or to require his further detention, and he was discharged accordingly. The residue of the party captured with him were brought to Norfolk in the Saratoga. The correspondence shows nothing further in relation to those men; but from other sources the committee learn that no further detention of them was authorized but the Ferential and the was a liberal to be a superficient of the superficie

the learn that no further detention of them was authorized by the Executive. and they were allowed to leave the ship at their pleasure.

Having thus stated what are considered by the committee the material facts shown by the documents accompanying the message, so far as necessary, to show the measures adopted by the Executive to enforce the laws prohibiting "the setting on foot within the United States, and the carrying on from the territories or jurisdiction of the United States" any military expedition against nations with whom we are at peace, and the facts attending the arrival of Walker and his party at Nicaragua, their arrest within the territories of that republic by our naval forces, and their being brought back to the United States, the committee proceed next to review the policy connected therewith, and the conclusions arrived at, as the same are set forth in the message of the President.

The 6th and 8th sections of the act approved April 20, 1818, entitled "An act in addition to the act for the punishment of certain crimes against the United States," are referred to in the message and in the circular of instructions form the Desympton.

referred to in the message and in the circular of instruc-tions from the Department of State as conferring power on the President, and making it his duty, by the use of the public force, to prevent unlawful military expeditions, within the meaning of the act, from being "set on foot" within the United States, or from being "carried on" beyond the limits and jurisdiction of the United States. These sections, for more convenient reference, are her

Sac. 6. And be it further enacted, That if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or State, or of any colony, district, or people, with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three

exceeding three thousand dollars, and imprisoned not more than three years.

Sec. 8. And be it further enacted. That in every case in which a vessel shall be fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruster, or other armed vessel shall be increased or augmented, or in which any military expedition or enterprise shall be longer to a force of the capture of a ship or vessel within the purisdiction or protection of the futted States, as before defined; and in every case of the capture of a ship or vessel within the purisdiction or protection of the Caited States, as before defined; and in every case in which any process issuing out of any count of the United States hall be disobeyed or resisted by any person or persons having the custody of any vessel-of-war, cruiser, or other armed vessel of any foreign prince or State, or of any colony, district, or people, or any subjects or citizens of any foreign prince or State, or of any colony district or people, in every such case it shall be lawful for the President of the United States, or or the milita thereof, for the purpose of taking possession of and detaining any such part of the land or naval forces of the United States, or of the milita thereof, for the purpose of taking possession of and detaining any such able or vessel, with her prise or prizes if any, in order to the execution of the purpose of taking possession of and detaining any such able to prize or rhothitions and penalties of this act, and to the restoring the prize or prizes of the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States, or of any prorigin prince or State, or of any colony, district, or people with whom the United States are at peace.

The committee are of opinion that the last clause of section 8 fully warranted the instructions given to the civil and military authorities by the circular quoted, and those to Lieutenant Almy, to prevent the landing of any unlawful military expedition from the United States in any part of Central America, so far as it imported the arrest of such expedition on the high seas and beyond the territorial jurisdiction of the country; and they are further of opinion that under the obligation of the President or "take care that the laws be faithfully executed." with to "take care that the laws be faithfully executed," with the powers confided to him by this eighth section, it was e naval forces to pursue any

incumbent on aim to order the havat lonces or pushed in-such expedition which should leave the country, and in-tercept and arrest them anywhere on the high seas.

The ship which carried Walker and his party from the country was an American vessel, and cleared as such from country was an American vessel, and cleared as such from the port of Mobile, in Alabama, under the American flag the port of Mobile, in Alabama, under the American flag: and it is a clear principle of law, that the jurisdiction of the country to which the ship belongs, attends her on the high seas wherever she goes. In the matter of jurisdiction, she is considered on the high seas as part of the territory of the country, and all on board are still within the jurisdiction of the United States.

If the persons on board had, before leaving the country, committed an offence against the laws of the United States, they were, whilst under the flag of the country on the high seas, as amenable to its authority, as they were whilst in the territory of the United States. It was as fully competent to the law, to require their arrest on

as fully competent to the law, to require their arrest on the high seas, as within the territory.

A question seems to have been made, however, in the

A question seems to have been made, however, in the present case, whether the law of April, 1818, does authorize or direct the Executive to use the public force to arrest a military expedition, (unlawful within the meaning of the act.) on the high seas, after it has left the country? If it does not, a law which has remained in all its substantial provisions on the statute-book for more than sixty years, intended to coerce, on the part of our citizens, the observance of existing international relations, and thus to preserve the peace of the country, is so imperfect in its provisions, as to secure immunity to those who may offend against it, provided, by deception, or false and fraudulent practices, they can clude the vigilance of the police of the country, and thereby escape from its shores.

The 6th and 8th sections of the act above cited of 1818 are in the greater part literal transcripts of sections 5th and 7th, of the act of like character of June 5th, 1794, the only material alteration being, that in the act of 1794 the offence is confined to setting on foot, or carrying on from the country, a military expedition against "the territory or dominions of any foreign prince or State;" whilst in the act of 1818 the words are added, "or of any colony, district, or people" with whom the United States are at peace—an enlargement, made to embrace the case of such unlawful expeditions, in aid of the revolutionists in Mexico and South America, then in arms against the Spanish dominion in those countries. The 6th and 8th sections of the act above cited of 1818

Spanish dominion in those countries.

In the 6th section of the present act, [1818.] it is declared a high misdemeanor "within the territory or jurisdiction of the United States to begin, or set on foot, or prepare or provide the means for any military expedition, or enterprise, to be carried on from thence against," &c., &c. The offence is thus clearly defined—the git of it begin the intent to carry on such expedition. ring the ment to carry on such expedition, &c., from the "territory or jurisdiction" of the United States. So long as it remained in the United States it would be harmless; but if begun, &c., with the intent to carry it on beyond the limits of the United States, the offence would be complete, though it should never have left the country.

But, as has been remarked, the law would have been singularly defective where the end to be attained.

But, as has been remarked, the law would have been singularly defective, where the end to be attained, was to provent such expeditions from leaving the country, if a successful escape to sea, placed the offender beyond the reach of the law. On shore, he could be arrosted by judicial process, calling in aid, if necessary, the posse; but at sea, he could only be safely pursued by the naval power. And we find, accordingly, in the 8th section, that where authority is given to the President, or such person as be

Extract of a letter from Captain Faulding to the Secretary of the Navy, dated Flag Ship Wabash, off Aspinwall, December 15, 1857:

I could not regard Waker and his followers in any other light than as outlaws who had escaped from the vigitance of the officers of the provisions, and let our shores for the purpose of rapine and marder, and I saw no other way to viniteate the law and redeem the boner of our country than by disarrang and sending them home.

In doing so I am sensible of the responsibility that I have incurred, and confidently look to the government for my pusitication. Regarded in its true light, the case appears to me a clear one; the points few and selfong.

Walker came to Folia Arenas from the United States, having, in violation of law, set on foot a military organization to make war upon a lation of law, set on foot a military organization to make war upon a lation of law, set on foot a military organization to make war upon a lation of the committee, the unlawful expedition is "carried on from the territories or jurisdiction of the provisions of the United States, and the united States against the territories or dominions of any foreign prince, "&c.

In the opinion of the committee, the unlawful expedition is "carried on from the territories or jurisdiction of the purpose of purisdiction of the states of the united States against the territories or dominions of any foreign prince, "&c.

In the opinion of the trained for the purpose of pre-

ritories or dominions of any foreign prince, "&c.

In the opinion of the committee, the unlawful expedition is "carried on from the territories or jurisdiction of the United Spates" when it is continued, on the high seas, on its way to its destination, and after it has left the country; and this is what the President is authorized to prevent, by the use of the naval force. The jurisdiction is clear, and the mandate is, to prevent the expedition being "carried on"—a mandate only to be obeyed by arresting the ship, with those on board, and bringing her back to answer the violated laws. The spirit of the act shows, that it was the intention of the law, by the largest use of the whole public force of the United States, to put a stop to these unlawful enterprises on the part of our citisons—whilst on land, and within the ordinary jurisdiction of the country, by the army or (if the occasion required it) the militia, or if in the harbors, bays, or rivers, the naval force. No distinction is made by the terms of the act, designating when the one arm is to be used, or when the other; the character of each imports its appropriate use. But after it was carried from the "territories or jurisdiction," it was still to be prevented. How? By means, of course, adequate to the end. By seizure at sea, when carried on by sea.

In the present case, however, it appears that Walker and his followers had effected a landing on the shores of Central America, and within the territory of a foreign State, before they were arrested by Captain Paulding.

As a mere question of lawful authority, there can be no doubt that no arrest is lawful, unless made within the jurisdiction of the country; and as little, that this arrest was made without the jurisdiction. But the committee entirely agree with the President, that besides the United States, (the conduct of whose officer is in question,) none can take exception to the act, except the State whose jurisdiction was so invaded. Any complaint from Nicaragua of this violation of her territory, shoul

and having no warrant, in law, still they find everything in the attendant circumstances, to show that he was actuated in what he did (using the language of the President) by "pure and patriotic motives, and in the sincere conviction that he was promoting the interests and vindicating the honor of his country."

Allowance, too, should perhaps be made, in reviewing this act, in the anomalous condition of the place where the arrest was made, and that the landing was with no hostile intent against Nicaragua. Although constituting part of the territory of Nicaragua, yet it is very certain, that for any purpose of law, or police, the government of that State was not present. The pretension set up by Walker himself after he landed, that he was there as "commander-in-chief of the army of Nicaragua" the committee do not consider as worthy of serious criticism. Whatever right or authority he may once have had, or supposed himself to have had, in the republic of Nicaragua, were at an end more than twelve months before, when he surrendered whatever authority he held, and left the country.

The government de facto was at the time of his arrest in other hands, and so recognised by this governm through an accredited minister. Whilst, therefore, committee would visit with no severe rebuke the act Captain Paulding for the reasons assigned, the present is deemed a fit occasion to express, on their part, the belief, that our public officers in any branch of service are best entitled to the thanks and support of the country, who, whilst keeping the most jealous guard over its interests and honor, are most careful to keep within the pale of

he laws.

The documents accompanying the message show the nost diligent care on the part of the President and the most diligent care on the part of the President and the
administration, faithfully to execute the law of 1818 in
the sections quoted; nor did the failure, either to have
arrested the expedition of Walker before its departure, or
to have intercepted it at sea, in the opinion of the committee, result from any defect in the law, or in the orders
and instructions issued under it.

From documents communicated by the Executive to
the House of Representatives, not embraced within the
call of the Senate, the following facts appear, and which
the committee append for information:

The steamer "Fashion" cleared at Mobile for San Juan
de Nicaragua. Her manifest showed nothing on board.

call of the Senate, the following facts appear, and which the committee appeard for information:

The steamer "Fashion" cleared at Mobile for San Juan de Nicaragua. Her manifest showed nothing on board, but what the shipper styled an "assorted cargo," consisting of provisions, groceries, household goods, domestic cloths, farming utensils, &c.; and the written instructions to her supercargo, from the shippers, (which were amongst the vessel's papers.) directed him "to offer the shipment in that market for cash, or to exchange it, or any part of it, for the products of the country, at his discretion." And she was to take, in addition, such passengers as might choose to visit Central America. After the vessel left the port, and while at anchor about six miles below the town, she was again visited by an officer of the customs, and search instituted, with a view to discover whether there was anything to show that she was engaged in an unlawful voyage. His report was, "that everything on board agreed with the manifest deposited in the custom-house by the captain in clearing the vessel." No arms or munitions of war were discovered, and the passengers (some 270 in number) professed, in conversation, to be emigrants. It was not known to the collector that Walker was on board when the vessel sailed.

As arms and ammunition, in large supply, were landed with the cargo at the Point Arenas, it clearly appears that false manifests were used to procure the clearance of the vessel; and it also appears that false papers, in the nature of instructions to the supercargo, were exhibited, to lull suspicion as to the true character of the voyage.

The first act on her arrival on the coast of Nicaragua, and before the vessel came to land, was to detach a military expedition, fully armed, in boasts up the river Colo-

tary expedition, fully armed, in boats up the river Colorado, (one of the outlets of the San Juan,) to seize a for tification in-land, and to command that river; the ne to land Walker and the residue of his party, with th arms and equipment, at Punta Arenas, who immediatel raised a flag and invested himself with all the insignia

the camp.

These facts carry with them irresistibly the conclusion. first, that the expedition escaped by false and deceptive prac-tices at the custom-house; and second, that it was (in vio-lation of the laws) a military expedition begun and set on foot in the United States, to be carried on from their ter-

foot in the United States, to be carried on from their territory and jurisdiction.

The claim frequently made that citizens of the United
States have the full right of expatriation (however seldom carried into practice) is one in no manner impaired,
far less forbidden, by the existing laws. Nor when the
intent is bona fide merely to leave the country, is it a subject of inquiry under the law, where the person is going
or with what view; and yet it will ever be found, that
those whose purpose is to evade the real inhibitions of the
law always seek refuge or immunity under the pretence
of emigration.

read, or misinterpreted, by innocent persons. They make it only unlawful "to begin and set on foot, or provide or prepare the means of any military expedition or enterprise, to be carried on from thence," &c.

To constitute the offence it must be shown—

1st. To be a military expedition that is designed; or, 2d. The preparation or provision of the means for a

1st. To be a military expedition that is designed; or, 2d. The preparation or provision of the means for a military expedition; and, 3d. That such military expedition is to be carried on from the United States against a people or nation then at peace with the United States.

Language cannot make it more plain, that any number of citizens may leave the country, singly, or in bands, for any purpose under the sun, without being subject to question, provided only that they do not go as a military expedition set on foot within the United States, with intent to levy war argainst some forcium State.

pedition set on foot within the United States, with intent to levy war against some foreign State.

It was by such evasions, as shown by the correspond-ence, that Walker sought to clude the naval forces of the United States after his landing at Punta Arenas. In his letter to Capt. Paulding of the 30th of November, dated at that place, he says :

"I have the honor to inform you that I landed at this port on Wednesday last from the stoamer 'Fashian,' bearing the United States flag, and sailing from the port of Mobile, Alabama. Accompanying me were a number of officers belonging to the Nicaraguna service, and some emigrants from the United States, who desired to become naturalized cities of this republic. The steamer was regularly cleared at Mobile for the port of San Juan de Nicaraguna, and it was acknowledged that har voyage was a legal one. I need not add that the President and government of the United States were fully advised of my intention to return to Nicaragua."

Thus, representing himself and officers only, as in any manner connected with military life; whilst the rest of his party were termed emigrants, who desired to become naturalized citizens of Nicaragna, and claiming that the steamer which carried them there had been 'fregularly cleared at Mobile,' and "it was acknowledged that her voyage was a legal one."

Compare these assertions with the false papers and deceptive practices used at the custom-house to get the vessel cleared at Mobile, above exhibited in the official letter of the collector of that port; and connect them, too, with

of the collector of that port; and connect them, too, with the fact disclosed by the first action of Walker, with his

"emigrants desirous of naturalisation," viz.: The armed expedition detached in boats up the Colorado to seize an in-land fort, and the military camp immediately established on landing, as the "headquarters of the army" (not emigrants) "of Nicaragua."

The law of 1794, equally with that of 1818, was found-

The law of 1794, equally with that of 1818, was founded in wise policy, to preserve the peace of the country, and to maintain amity and amicable relations with foreign States. It denounces its penalties only against those, whether citizens or foreigners, who, while within its jurisdiction, abuse the protection and hospitalities of the laws by secret and unlawful practicings, to wage private war against nations with whom we are at prace, and the laws by secret and unlawful practicings, to wage private war against nations with whom we are at peace, and in most cases dishonoring the American flag, used to shield them in transportation. Were such things tolerated, it would be to commit the peace of the country to every restless and turbulent adventurer who, unequal to, or disdainful of, the soler toils of peace, could find food for his ambition only in the license of the camp or in the rapine and ravages of war. It would take the affairs of government (in our foreign intercourse at least) from the hands of those to whom they are committed, by the constitution and laws, and leave them under the control, or at the pleasure, of unknown and irresponsible agencies.

The committee, on full consideration, do not see that any amendment is required to the law of 1818, so far as power is concerned to arrest on the high seas. They find such power necessarily implied by the terms of the 8th section. But, inasmuch as that law may be made more efficient by some proper provisions for bringing offenders against it to trial, who after arrest beyond the territorial jurisdiction of the United States are brought back to the country, they report a bill for that purpose.

They recommend, in addition, the adoption of the following resolutions:

present moment. Mr. Douglas, as a member of the Com-mittee on Foreign Relations, dissented from the re-They recommend, owing resolutions:

Resolved, That no further provisions of law are necessary to confer-uationity on the President to cause arrents and seizures to be made on he high seas for offences committed against the act entitled. "An act a addition to the 'act for the punishment of certain crimes against the latted States," and to repeal the acts therein mentioned," approved upril 20, 1818. debate on Kansas was then resumed by Mr. Harlan, of Iowa, who seemed to sustain the views of Mr. Douglas on this subject. It was suggested that by Friday next the Kansas constitution would probably be before the Senate, and the further consideration of the subject was kpril 20, 1818. Resolved, That the place where William Walker and his followers erreated being without the jurisdiction of the United States, heir arrest was without warrant of law. But, in view of the circumstances attending it, and its result, in taking away from the iertitory of a State, in amity with the United States, American citizens who erre there with hostile intout, it may not call for further consure than, at might hereafter be drawn into precedent, if suffered to pass without remark. accordingly postponed to that day. In the House of Representatives the consideration the Matteson case was postponed for one month on ac

NEBRASKA-GOVERNOR RICHARDSON AND THE

LEGISLATURE. Governor Richardson arrived at Omaha City on the 10th instant, and on the 12th was duly installed into office. His first official act appears to have been a letter addressed to those members of the legislature who had withdrawn to Florence. This was written in reply to a resolution passed by the members at Florence informing im of their removal to that place. In his reply Gov Richardson says that he cannot recognise that portion of the members who had withdrawn from Omaha as the council and house of representatives of the Territory. Gov. Richardson quotes the law making Omaha the capital, declares that he can find no enactment making a change in its location, and then goes on to give a statement of

"The house of representatives, without "The house of representatives, without reference to the action of the council or the approval of the governor, upon a mere motion, adjourned to meet at Florence. The council, also, independent of the house and the execu-tive, adjourned to meet at the same place. If, now, I should recognise the meeting at Florence as the legisla-tive assembly of the Territory, what is the doctrine which I endorse? Is it not that either branch of the legislature, without the concurrent action of the other, has the pow-er to adjourn to meet at any place it may select? a doc-trine the establishment of which might at some future lay present the strange spectacle of acouncil at one place the house at another, and the executive at still another

"I cannot endorse a doctrine from the operation of "I cannot endorse a doctrine from the operation of which such consequences might result.

"Without inquiring into or expressing an opinion upon transactions said to have taken place prior to my arrival in the Territory, I deem it sufficient for me to say that at the capital is the place of your right and your duty as tegislators; and having entered upon the discharge of the functions of the executive office, I am prepared to guarantee that no act of violence, by any man or set of men, will be perpetrated upon the rights or persons of the members of the legislature, while in the discharge of their duties as such. The fullest and most ample protection is warranted to freedom in discussion and independence in action."

WHERE THE TALL MES GROW.—From a notice of Surgeon General Lawson's report in the American Journal of the Medical Sciences it is ascertained that the tallest men en-listed in the United States army are from the State of Georgia, where, out of one hundred enlisted, thirty were six feet and over; while the shortest men are from New York, where only four out of one hundred were six feet. The tallest recruit from Georgia was six feet six and a half inches, and the mean height of the recruits theace was five feet eight inches. The tallest enlisted man from New York was six feet one and a half inch, and the mean height of New York recruits was five feet six inches. The southern and western States produce the tallest men, and the middle and eastern States the shortest.

PROPERTY OF PHILADELPHIA.—The assessment of the ity of Philadelphia for the year 1858 presents the fol-

THE ENSLAVEMENT OF THE SEPOYS .- By a late arrival numbers of the East Hola recess as the home govern-ment and the authorities of Guiana may agree on, provi-ded the East India government send them to the colony free of expense—the Combined Court pledging itself to provide the means for defraying the cost of bringing over he families of the exiles. Of course, the colony make no objection to accept any quantity of foreign labor, and it will not be difficult, whatever name the Court of Guiana may give to it, to understand the condition of these "rebels" will not be very different from the good old system of slavery.—[Charleston Courier.

SPECIE IN FRANCE. - The specie in circulation in Fran SPECIE IN FRANCE.—The specie in Circumston in France in the time of Colbert, in 1661, was 600,000,000f.; in 1704, 1,600,000,000f.; under Necker, 2,000,000,000f.; in 1803, 2,800,000,000, in 1822, 2,713,000,000.; in 1852, 2,585,000,000, and at present it exceeds 6,000,000,000. France has more specie than England, Russia, or Germany, including Austria, and four times as much as is in the United States.

HOUSE-FURNISHING DRY GOODS.—HOOE

ed stock of the following named goods, to which they respectfully lavite the attention of purchasers, viz:

The newest patterns of Wilton carpetings, the newest patterns of veivet carpotings, the flowest patterns of tapestry carpetings, the newest patterns of Brussels carpetings; three-pty, superior ingrains, common ingrains, twilled and plain Venitian and rag carpetings, bruggett's linen floor damasks, step damasks, and of icloths, stairrods, crumb cloths, Mosaic, velvet, tufled, and other rugs; door-mits, passage mats, cooon mattings, colored and white Canton mattings, floor and table oil cloths; superior bed blankets, Marsellies counternace, linen and cotton sheetings, sillow and bolter linens; superior table damasks, sain damask table cloths and napkins to match; damask, auckeback, diaper and other towelings; piano and table covers; lace and musin cortains; brocated, sain lane, damask, and other curtain materials; reps and other materials for covering furniture; glid cornlegs and curtain futures; shade linens, gimp, tassels, curtain pins, &c.; cirimson, marcon, blue, and green worsted plashes; velvet and Brussels ottomans, &c.; together with a great variety of other useful and necessary articles, all of which will be offered upon such terms as to insure speedy sales.

THILODEMIC SOCIETY · OF GEORGETOWN College.—There will be a meeting of the resident and non-resident members of the Philodemic Society at Georgetown College on needay, 26th inst., 4 o'clock, p.m., for the purpose of determining the expediency of celebrating the Landing of the Pilgrims of Maryland

By order of Society : Rev. EDWARD H. WEICH, S. J.,

DE BOWS REVIEW, Industrial Resources, &c.; annum.

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CARRIAGE LAMPS.—We have this day been ap pointed agents for Edward Usher & Oo.'s carriage and enginemp. The attention of conclumaters and others interested is respect thy called to the sample at our store. RLVANS & THOMPSON 326 Pennsylvania ave

FOR SALE.—A three-story brick house, situated on I street, between 9th and 10th streets, with or without the furniture. For further information inquire of GEORGE W. BRAY,

9th street, No. 282, between Mand N streets,

WASHINGTON CITY.

TUESDAY MORNING, JAN. 26, 1868. 83 Mr. Ishari, E. Jares, of Philadelphia, is our general travelling gent, assisted by Jares Derivon, John Collins, J. Hammer, Edrich V. Wiley, John K. Derend, E. A. Evans, R. S. Jares, T. Assinan, P. Davis, R. T. Roberds.

DAVIS, R. T. ROSERDS.

Columbia.

###: C. W. James, No. I Harrison street, Cincinnati, Ohio, is our general collecting agent for the Western Nates and Texas, assisted by H. J. TROMAS, WILLIAM H. TROMAS, Thos. M. James, Dr. A. L. Chilles, George Monnes, and Richard Larke. Receipts of either will be good.

the Committee on Foreign Relations, presented an important report on the subject of the Nicaraguan expedition, which is noticed more fully in another place. Its

reading was listened to with great attention, and we be

lieve that the views therein presented are those of the Senate and of the country. The space it occupies could

not be filled by anything of greater public interest at the

report.

The bill to increase the military establishment

count of his absence. The invalid-pension bill was taken up, and several speeches on different subjects were de-

livered. The debate on the bill will close to-day at one

From Northern Mexico we are informed that a civil

The Brownsville Flag expresses the opinion that this movement may end in the secession of several of the

northern States from the confederacy, and the erection of

an independent government. Mexico seems to have reached the point of disintegration, and such a result is

ting to the proposed increase of the army, now under

the consideration of Congress. They emanate from ger

A carefully-prepared resume of the news from Eur

by the last arrival, will be found in its appropriate place

in this morning's impression.

It is reported by telegraph from St. Louis that or

branch of the Kansas territorial legislature has passed a bill abolishing slavery on the 1st of March. It is also re-

ported that the Indians on the Shawnee reservation are

ravaging the settlements, driving out the settlers, and

to be peaceable, the true reading of the despatch is,

probably, that Lane and his band are committing depre-

lations, and throwing the blame upon the innocent rec

SENATOR MASON'S REPORT.

The report of the Senate Committee for Foreign

Affairs upon the President's special message con-

cerning the seizure of Walker by Captain Paulding

in Nicaragua is published in our columns to-day.

It was submitted yesterday, and read in the Senate

by the chairman, Mr. Mason. Like the message it-

fairly silences all honest objection by the weighty

Its clear, calm statement of the facts of the whole

subject, and its admirable collocation of those clauses

of the law of 1818 prohibiting hostile expeditions

fitted out and carried on from our shores against

This dignified and admirable paper goes further

It was natural that there should have been son

strenuous efforts, too, that were subsequently made

to manufacture a fury on the subject which never

existed at all, were also to have been expected from

the devotees of "sensation" and the professional

dealers in "indignation." But the sober, second

thought of the country, sooner or later, in all such

cases, is sure to find a true and withering expression.

in such emphatic utterances of serene statesmanship,

as the special message and this admirable report of

News has been received by mail from Galveston to the 16th inst. The recent gale in the Gulf of Mexico was

exceedingly severe at Galveston, and considerable dam-

age was done to shipping and to the wharves.

The democratic State convention met at Austin on the

8th-Dr. Taylor, of Cass county, presiding. It was

thought Judge Wheeler would be nominated for chief

Gov. Runnels has vetoed the bill for the relief of the

Houston and Texas Central Railroad Company by the

logic and moral power of its argumentation.

the administration and the country.

fabled gaze of the basilisk.

ments.

Senator Mason.

unendment of its charter.

ourning up their dwellings. As the Indians are known

tlemen feeling an immediate interest in the subject.

altogether within the bounds of probability.

We lay before our readers two communica

Have the people of the several States, under our system of government, the right to alter or modify their organic laws otherwise than in obedience to the conditions imbodied therein?

STATE CONSTITUTIONS.

This question is one, just now, of great practical importance. It involves the principle of popular sovereignty, and bears directly upon the very central point of the Kansas controversy. We maintain the utmost doctrines of our representative democracythat there can be no permanency in governmen which is not based upon the broadest exercise of the elective franchise.

Our governments are the work of the people, and will be sustained by their patriotic labors as such. We have been successful because the founders of our system saw the possibility of securing therein the amplest freedom of the citizen with the whole some restraints of law-because they so framed their government as to maintain for themselves a perpet ual supervision over and direction of its affairs, and at the same time, that the popular will shall be expressed only through representative organs. It is taxen up, but, after some conversation, its further con-sideration was postponed until half-past 12 o'clock to-day, for which hour it is the special order. The current this little barrier that separates us from a pure democracy, and equally, if we regard our own experi ence, from anarchy.

State constitutions are limitations imposed upon public agents, not upon the people themselves, by whom, through their representatives, they are enacted. They constitute a part of the machinery of our representative system. They are not compacts between two or more legal parties. They are not covenants of faith imparted by Divine power, and bind ing to eternity. There is nothing sacred about them. They are convenient political charts by which the ship is sailed; they mark the soundings and the war is likely to break out between the supporters of the shoals, but they do not guide the helm. They are simply instructions of the principal to his agent-re strictions imposed upon the latter while in the discharge of the business of the former. In this view organic laws are always within the reach of the people, and may be altered or modified as they may desire.

> State constitutions are supreme over legislative bodies—the people are supreme over them. All aws must be enacted under their limitations, but the system under which such laws are made is of necessity always subject to the direct control of the people who act in respect to all public affairs in obedience to the forms prescribed by the legislative authority. This is so because such forms are necessary in order ascertain the will of the majority-because government is perpetual. There must be no lapse in this respect and cannot be without producing temporary anarchy. Public order and the well-being of the people constitute the two great objects of government. To effect these ends might is the practical element used, and we contend that it is justly exercised by the majority. To deny the authority of the majority, expressed in a legal way, then, is a practi-

The Lecompton constitution specifically directs that the same may be amended, in a certain manner. after the year 1864. There is no prohibition against action before that time. self, it is a paper which admits of no answer, and But it is asserted that a majority of the people

of Kansas are utterly opposed to their new con

stitution. If so, they have the undoubted power

to control their State government. All of its local

machinery, its federal representation, its officers and its offices of every description, fall of necessity into their hands the instant she is admitted into the neighboring States, absolutely cut up by the roots every doubt which might have been felt by candid Union. But the advocates of the Topeka constitution—that simulated and fictitious government which men on this subject. The report is one which entinever had the sanction of a single legal attributetles the able statesman who presides over the responthat government which never reached the dignity of sible Committee of Foreign Affairs to the thanks of an honest public meeting-which breathed an atmosphere of treason, and will become extinct when its pestilent miasmas shall pass away-these men are it will be seen, into the facts of the subject than did suddenly seized with such profound respect for the the special message. The indignant exposure it forms of State and the constituted authorities as to makes of the claim that this expedition was lawful deny the right of the people to alter or modify their in its inception, through the false manifest it palmed organic law. Whence comes this sudden reverence upon the Mobile collector and bald pretext of peace for order and the obligations of constitutions by ful emigration, throws a light upon the transaction the party which abjures its allegiance to the fedwhich will prove as destructive to its defence as the eral compact, because it recognises the relations of master and slave, by the party which maintains motives of Capt. Paulding, very properly objects to that the majority of the people of Kansas may de-It will be seen that the report, while honoring the from Bermuds, we learn that the Combined Court of Brit-ish Guiana had passed resolutions to receive for life such numbers of the East India rebels as the home govern-1854 authorized the people of Kansus to organize a have extolled that officer's action have not duly territorial and State government. Under the authorweighed the importance of discriminating, in so doity thereby conferred they at once put the former ing, against stretches of authority by naval offiinto operation. Thus were created legal forms, cers in those waters. It is not only intrinsically unthrough the agency of which alone the people could safe for the executive and legislative departments of express their wishes. The territorial government, our government to countenance a breach or stretch though designed to be temporary, was to them the law of their political existence. Through its agency of instructions on the part of military officers in trusted with armed forces at a distance from the seat they had a right to speak. If we say they were dis of authority, but there is special reason why our satisfied with their representatives, and refused. government should not, by overlooking usurpations when they had the necessary population, to frame a of authority by its own officers in the Central Ameri-State system, we simply convict them of folly ca, estop itself from resisting and resenting like without impairing the rights of those who were auusurpations by the officers of other powers. We thorized and willing to do so. If, then, the Lecompwere, therefore, prepared to see the wise discrimton constitution is the work of a minority, the peanation which was made by the President in reple of the United States owe it to their self-respect, to gard to the act of Capt. Paulding, seconded by the their regard for public order, and to their contempt Senate Committee on Foreign Affairs, intimately asfor that folly which sullenly and causelessly refus sociated with the Executive as that committee is in to exercise its duties, claiming thereby that it disthe conduct of our relations with foreign governfranchises and discredits those who do, by embracing the earliest occasion to receive the State into the Union, and thus separate its fretful local disputes effervescence of feeling in the country at the first from federal politics. news of the capture of Walker's expedition. The

The authority conferred to alter or modify the constitution after the year 1864 is mere surplusage. It confers no power which a sovereign member of the Union may not exercise in any contingency, nor does it pretend to prohibit the exercise of such power. Any State of this Union, under the direction of its legislative authority, may call a convention at any time, and elect delegates authorized to set aside their constitution and adopt a new one. This is the common law of American politics, and is founded in reason and good sense. Organic laws with us are always in the hands of the people. Legislatures are controlled by them-that is, they may not put into operation any statute governing the relations of individuals by the State or impairing rights, but the system by which those relations and rights are to be maintained is at all times subject to their control.

SOUTHERN PACIFIC RAILBOAD. It is stated that the prospect of completing the twenty miles of the Southern Pacific railroad, in Texas, within the time prescribed by the charter, (16th February next,) has been p NAVAL RESIGNATION. - The Texas papers announce the any contingency, and that twice the force is engaged or resignation of Lieut. E. Fairfax Gray, U. S. N., of it that will be necessary if the weather continues to be

Houston, and his intention to devote himself to the good. The cross-ties, iron, and everything else required for the completion of this section were on hand.